IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE, JURISDICTION

CRIMINAL WRIT PETITION NO.828 OF 2005

Dnyaneshwar Bhimrao Zunjar ...Petitioner.
Versus
Bharat Datty Dhekale & Ors. ...Respondents.

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Mr. Surel S. Shah, Advocate for the Petitioner.
Mr.M.A.Patil, Advocate for the Respondent No.1.
Mr.D.S.Mhaispurkar, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : APRIL 13, 2006.

P.C.:

. Heard Mr.Shah learned Advocate for the petitioner-original accused No.2, Mr.M.A.Patil learned Advocate for respondent No.1-original complainant and Mr.Mhaispurkar learned APP for the State.

2. The petitioner is accused No.2 in Criminal Case No.146 of 2002 which is pending before the J.M.F.C. Court, Mohol. In the said case, by order dated 6.11.2004, the learned Magistrate directed the petitioner to produce the register of the school, failing which necessary steps would be taken against him. This order has been impugned

by the petitioner.

3. It is seen that the petitioner has preferred an application which is annexed at Exh.H to this Petition. The said application is M.A..146 of 2002. In the said application various details and various reasons have been given to set aside the order dated 6.11.2004. Though, the said application has been preferred on or about 26.11.2004, the said application has not yet been decided. If the said application is decided in favour of the petitioner nothing further would remain in the present application. As the application has been preferred long back by the petitioner it would be in the interest of justice that the said application is first disposed of by the Court. Liberty is granted to the petitioner to approach the appropriate forum in case the order on his application is adverse to the petitioner.

4. NBW has been issued pursuant to the order dated 6.11.2004. The said NBW is stayed till disposal of the application dated 26.11.2004 and for a period of two weeks thereafter.

4. Petition is disposed of.

5. Office to issue an authenticated copy of this order.

(SMT.V.K.TAHILRAMANI,J.)